

# **DEMOLITION DELAY ORDINANCE**

## **I. SUMMARY**

Under this Ordinance (the Demolition Delay Ordinance), the Town shall impose a waiting period of not more than one hundred and eighty (180) days authorized by Connecticut General Statute 29-406 before granting a permit for the demolition of any building or structure that is designated as an Historically Sensitive Structure (Structure) according to the definitions in Section III below.

## **II. PURPOSE OF ORDINANCE**

This Demolition Delay Ordinance is duly enacted by the Town of Redding (The Town), in order to aid the Town in its established policies based upon the Town Plan of Conservation and Development, including the following:

- A. To replace the Demolition Delay application process currently included in the Zoning Regulations. This ordinance requires a waiver of the Demolition Delay period upon determination by the Historic Review Committee (the Committee) that a particular Structure lacks historic sensitivity;
- B. To encourage the preservation, documentation, and protection of historically sensitive buildings, structures, or parts thereof (Structures) that exhibit distinctive features of the architectural, cultural, economic, political or social history of the Town;
- C. To limit the detrimental effect on community character and heritage that may result from the demolition of such Structures;
- D. By means of a legally noticed delay period prior to the issuance of a demolition permit, Town residents are alerted to the anticipated demolition of historically sensitive structures, and the owner(s) of such structures are encouraged to consider preservation, documentation, restoration, rehabilitation, relocation or resale as alternatives to demolition; and
- E. To achieve this purpose, a Historic Review Committee (the Committee) is established and authorized to advise the appropriate Town officials with respect to demolition permit applications related to historically sensitive Structures. The Historic Review Committee shall require recommendations from qualified historic, archaeological, and/or historic architectural consultants. Applicants are also encouraged to consult with qualified individuals concerning historic sensitivity, significance or preservation of Structures to be demolished.

### **III. DEFINITIONS**

The following terms are defined solely for their use within the language of this ordinance:

- A. **APPLICANT** – Any person or entity who files an application with the Town for a demolition permit. If the applicant for a Demolition Permit is not the owner(s) of Record of the premises upon which the building or structure is situated, the owner(s)' consent or endorsement of the proposed application must be provided on the Demolition Permit application.
- B. **APPLICATION** – A written request to the Town, in a format as prescribed by the Town, to issue a permit for the demolition of a building, structure or part thereof.
- C. **BUILDING OFFICIAL** – a person hired or appointed by the Town to serve as Building Inspector, or otherwise duly authorized to issue demolition permits.
- D. **COMMITTEE (HISTORIC REVIEW COMMITTEE)** – as described in Section IV.
- E. **CONSULTANT** - a qualified historian, archaeologist, or architectural historian meeting professional standards of education and experience as defined and/or listed by State Historic Preservation Office (SHPO) and the National Park Service (NPS) (Online <http://www.nps.gov/history/local-law/gis/html/quals.html>).
- F. **DELAY PERIOD** – A waiting period of up to 180 days, imposed by the Town, as described in Section V.
- G. **DEMOLITION** – The intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building, structure, or part thereof, or commencing the work of a total, substantial, or partial destruction.
- H. **DEMOLITION PERMIT** – The permit issued by the Town Building Inspector authorizing demolition of an existing building, structure, or part thereof.
- I. **HISTORICALLY SENSITIVE STRUCTURE (Structure)** – Any building, structure, or part thereof which has been determined by the Committee and their consultants to meet criteria for listing on the State Register of Historic Places (SRHP) or National Register of Historic Places (NRHP), as defined:  
  
“The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.”

(Jan Townsend, John H. Sprinkle Jr., and John Knoerl, 1993. *Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts*. National Park Service, National Register Bulletin 36, Washington, D.C.).

- J. **HISTORICALLY SIGNIFICANT STRUCTURE** - Any building, structure, or part thereof which has been determined by the Committee and their consultants to be significant to the community based on one or more of the following criteria:
  - 1. The Structure is listed on the State Register of Historic Places or National Register of Historic Places, or is partially or completely within the boundaries of a district so listed, or
  - 2. The Structure has been determined by the State Historic Preservation Office and/or the National Park Service to be eligible for listing on the State Register of Historic Places or National Register of Historic Places, or
  - 3. The Structure and/or buildable area contains Historic Preservation Easements recorded by deed with the Town of Redding.

**IV. ESTABLISHMENT OF A HISTORIC REVIEW COMMITTEE (COMMITTEE)**

- A. The Committee is the body authorized and appointed by the Board of Selectmen to advise the pertinent town officials at the Land Use Office and Zoning Office on the issuance of demolition permits related to Historically Sensitive Structures under this Ordinance.
- B. The Committee shall consist of 5 members, one designee from the Planning Commission, one designee from the Zoning Commission, and three Redding citizens to be appointed by the Board of Selectmen, one as a

full member and two as alternate members. All members shall possess knowledge of local history and/or historic preservation practices. Each member shall serve a four year term. In the event a member cannot fulfill their term, a replacement shall be appointed for the duration of the term.

- C. The Committee is required to seek the advice of the Town's historic preservation consultants and other qualified experts as deemed necessary by the Committee to document historic sensitivity and significance of Structures, and recommendations for alternative actions to demolition.
- D. The Committee shall elect a Chairperson and a Secretary, and shall meet as needed to determine historic sensitivity.
- E. The Committee shall be empowered to determine whether a particular Structure is a Historically Sensitive Structure as provided in this Ordinance in Section III, Subsection I.

## **V. PROCEDURE**

- A. From the effective date of this Ordinance, the Building Official shall not issue any demolition permit for any building, structure or part thereof, except under the provisions outlined herein.
- B. Upon receipt of an application for demolition by the Land Use Office, a 180 day waiting period (per CGS 29-406) shall begin. The application shall be emailed by the Land Use Office on the same day to the Committee (Section IV).
- C. The Committee shall request access from the applicant and their consultants to conduct documentary studies.
- D. The Committee and their consultants shall have a maximum of 21 calendar days to document whether historic sensitivity exists. After this 21-day period, or sooner if possible, if no historic sensitivity exists, the Committee will e-mail this determination to the Land Use Office and the application will be processed with no further delay.
- E. If historic sensitivity is documented, a written report documenting determination of historic sensitivity shall be e-mailed by the Committee to the Land Use Office. The applicant shall simultaneously deliver a notice of demolition to abutting property owners stating the intent of demolition.

- F. If historic sensitivity is documented, the Committee shall negotiate with the owner(s) during the remainder of the 180 days to achieve the purpose of this Ordinance as described in Section II, Subsection C.
- G. Whenever a Structure is deemed to possess historic sensitivity or significance, the Committee may contact the Redding Historical Society, the Redding Preservation Society, the Connecticut Trust for Historic Preservation, and other pertinent groups for assistance in negotiating its' preservation.
- H. The owner(s) of a historically sensitive Structure may consider alternatives to demolition (e.g. preservation, documentation, restoration, rehabilitation, relocation, or resale).
- I. Mitigation of demolition impact may include detailed recording of historic features.

## **VI. EXCEPTIONS**

- A. This Ordinance shall not apply to applications for demolition due to:
  - 1. Applications for demolition due to a threat to public health;
  - 2. Emergency demolition orders issued by the Building Official due to a threat to public safety; or
  - 3. Demolition required for the removal of a structure acquired by the Department of Transportation for a transportation project.

Pursuant to paragraphs A (1) and A (2), above, the Building Official shall submit a written report to the Committee detailing the condition of the building, structure or part thereof and the basis for the official's decision.

- B. This Ordinance shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural features; nor shall it prevent the erections, alteration or removal of any such feature which the Building Official certifies to be required for public safety because of a condition which is unsafe or dangerous due to deterioration.

## **VII. VIOLATIONS**

The Town intends to exercise its rights of redress fully under state statute in any instance of unauthorized demolition, including demolition by neglect.

**VIII. SEVERABILITY**

In case any section, paragraph or part of this ordinance shall for any reason be declared invalid or unconstitutional by any court, every other section, paragraph and part shall remain in full force and effect.

To be effective: \_\_\_\_\_